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*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

INTERNATIONAL MARKETS LIVE, INC., a  
 New York corporation dba iMARKETSLIVE;

Case No.:

Plaintiff,

v.

**NOTICE OF REMOVAL**

AMANDA CUSTER, an individual D/B/A  
 FOREX FOR WOMEN or FX FOR WOMEN;  
 COLE CUSTER, an individual; JENN  
 EUSTERWIEMANN, an individual; JOSHUA  
 EUSTERWIEMANN, an individual; JEMMA  
 WILSON, an individual; CHRISTIAN  
 OERTEL, an individual; DOE 1-100  
 individuals; and ROE 1-10 entities,

Defendants.

TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:

Under 28 U.S.C. §§ 1332(a), 1441, and 1446, the defendants Amanda Custer d/b/a Forex for Women or FX For Women and Cole Custer (collectively, the “Defendants”), remove this action to the United States District Court for the District of Nevada. The grounds for removal are as follows:

1. On November 21, 2023, the plaintiff International Markets Live, Inc. (“Plaintiff”), filed its Complaint in the action styled *International Markets Live, Inc. v. Amanda Custer et al.*, and assigned Case No. A-23-8822064-C (the “Action”) in the District Court for Clark County, Nevada. *See* Complaint, **Exhibit A**. Accordingly, one year has not elapsed from the date the action commenced in state court and this action may be properly removed. 28 U.S.C. § 1446(c)(1).

2. On November 30, 2023, Plaintiff served the Defendants Amanda Custer d/b/a Forex for Women or FX for Women and Defendant Cole Custer with a copy of the summons and Complaint. *See* Declaration of Ryan J. Works, Esq., ¶¶ 5-7, **Exhibit B**. Accordingly, this removal, being filed within the 30 days of that date, is timely filed pursuant to 28 U.S.C. § 1446(b). *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48, 354-56 (1999) (holding that a defendant is not required to remove until they are formally served with a summons, even if it previously received a copy of the complaint through informal channels).

3. Under 28 U.S.C. § 1332(a), removal is warranted since, based upon the face of the Complaint and the allegation contained therein, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and is between citizens of different states:

a. Based upon the allegation in paragraph 1 of the Complaint (**Exhibit A**), Plaintiff asserts the following citizenship for Plaintiff:

i. Plaintiff International Markets Live (“IML”) is a New York limited liability company.

b. Based upon the allegations in paragraphs 2-7 of the Complaint (**Exhibit A**), Plaintiff asserts the following citizenship for the Defendants:

i. Defendant Amanda Custer, d/b/a Forex for Women or FX for Women, is an individual residing in California;

ii. Defendant Cole Custer is an individual residing in California;

iii. Defendant Jenn Eusterwiemann is an individual residing in Nebraska;

iv. Defendant Joshua Eusterwiemann is an individual residing in Nebraska;

v. Defendant Jemma Wilson is an individual residing in New Zealand; and

vi. Defendant Christian Oertel is an individual residing in New Zealand.

c. With respect to the amount in controversy, the Complaint alleges that, the

1 Defendants entered into an Independent Business Owner Agreement with  
2 Plaintiff. *See* Ex. A, ¶¶ 20-25. The Defendants, among other allegations,  
3 breached the Independent Business Owner Agreements causing damages to  
4 Plaintiff in excess of one million dollars (\$1,000,000.00). *Id.*, ¶¶ 28, 43.  
5 Accordingly, Plaintiff alleges the amount in controversy well exceeds \$75,000.00.

6 4. Accordingly, this Court has jurisdiction over these claims under 28 U.S.C. § 1332  
7 because the parties are citizens of different states and the amount in controversy exceeds  
8 \$75,000.00.

9 5. This Court's jurisdiction is also proper under 28 U.S.C. § 1441(b) as the named  
10 DOE and ROE defendants are not included for purposes of an analysis of diversity of citizenship  
11 as "the citizenship of defendants sued under fictitious names shall be disregarded." *See* 28 U.S.C.  
12 § 1441(b)(1).

13 6. Venue is proper in the unofficial Southern Division of this district under 28 U.S.C.  
14 § 1441(a) because this district embraces the place where the state court action is pending.

15 7. At the time of this removal, Plaintiff has served the Defendants on November 30,  
16 2023. *See* Ex. B, ¶¶ 5-8.

17 8. Under 28 U.S.C. § 1446(b)(2), all of the Defendants that have been served at the  
18 time of the filing of this removal have consented and join in this removal. *Id.*

19 9. Under 28 U.S.C. § 1441(a), a copy of all pleadings, orders and process are attached  
20 hereto as follows:

21 a. Complaint, **Exhibit A**.

22 10. Based on the foregoing, the Defendants remove the above-entitled action now  
23 pending in the Eighth Judicial District Court, Clark County, Nevada, Case No. A-22-853400-C,  
24 to the United States District Court for the District of Nevada.

25 11. Promptly after filing this Notice, the Defendants will file a copy of it with the clerk  
26 of the state court in which this action is pending and will give written notice to counsel for  
27 Plaintiff, as required by 28 U.S.C. § 1446(d).

28 12. This Petition for Removal is submitted without waiver of any procedural or

1 substantive defense that may be available to the Defendants and without admitting any of the  
2 allegations contained within the Complaint.

3 **WHEREFORE**, the Defendants respectfully remove the Action from the District Court  
4 of Clark County, Nevada to proceed in the United States District Court for the District of Nevada.

5 DATED this 28th day of December, 2023.

6 McDONALD CARANO LLP

7 By: */s/ Ryan J. Works*  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of McDonald Carano LLP, and that on the 28th day of December, 2023, I caused a true and correct copy of the foregoing **NOTICE OF REMOVAL** to be electronically filed with the Clerk of the Court by using CM/ECF service and serving on all parties of record via U.S. Mail as follows:

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George E. Robinson, Esq.  
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*Attorneys for Plaintiff*

/s/ Kimberly Kirn  
An employee of McDonald Carano LLP

**INDEX OF EXHIBITS**

<b><u>Description</u></b>	<b><u>Exhibit</u></b>
Complaint	A
Declaration of Ryan J. Works, Esq.	B